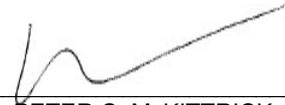


Below is an order of the court.



PETER C. McKITTRICK  
U.S. Bankruptcy Judge

## UNITED STATES BANKRUPTCY COURT

## FOR THE DISTRICT OF OREGON

In Re: )  
PETER SZANTO, ) Bankruptcy Case No.  
 ) 16-33185-pcm7  
Debtor. )  
----- )  
PETER SZANTO, ) Adversary No. 16-3114-pcm  
Plaintiff, ) ORDER DENYING MOTION TO  
v. ) EXTEND TIME TO FILE OBJECTIONS  
EVYE SZANTO, VICTOR SZANTO, NICOLE )  
SZANTO, KIMBERLEY SZANTO, MARIETTE )  
SZANTO, ANTHONY SZANTO, AUSTIN )  
BELL, JOHN BARLOW, and BARBARA )  
SZANTO ALEXANDER, )  
Defendants. )  
----- )

On March 10, 2020, the court entered a Memorandum Opinion awarding defendants a portion of their attorney fees and costs in this adversary proceeding as a sanction for plaintiff's vexatious, bad faith conduct in the litigation. Doc. 614. On March 20, 2020, plaintiff filed a Motion

1 to Extend Time to File Objections to Findings of Fact. Doc. 616. He  
2 seeks an extension of time until April 16, 2020,<sup>1</sup> to file objections to  
3 the findings of fact contained in the Memorandum Opinion pursuant to Fed.  
4 R. Bankr. P. 9033.

5 As plaintiff knows, Rule 9033 relates to proceedings "in which the  
6 bankruptcy court has issued proposed findings of fact and conclusions of  
7 law[,]" allowing a party to file objections to the findings and  
8 conclusions. Fed. R. Bankr. P. 9033(a), (b). As plaintiff also knows,  
9 the Memorandum Opinion awarding attorney fees and costs is not proposed  
10 findings and conclusions; it is a decision on defendants' request for  
11 fees and costs. Therefore, Rule 9033 does not apply to this matter.  
12 There is no provision in the rules for a party to file objections to  
13 findings contained in a Memorandum Opinion. The party's recourse is to  
14 file an appeal of the judgment entered based on the ruling in the  
15 Memorandum Opinion.

16 The motion will be denied because the procedure plaintiff seeks to  
17 invoke under Rule 9033 does not apply to the Memorandum Opinion.

18 The court notes that, once again, plaintiff claims that he failed to  
19 receive notice of entry of a court's decision or order. As plaintiff  
20 knows and as was explained to him in a previous order, this assertion is  
21 demonstrably false. As the court explained in the Order Directing Clerk  
22

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23       <sup>1</sup> The length of extension sought is not clear. On pages 5 and 7  
24 of his motion, he says he wants until April 16, 2020, but then also says  
25 he wants the court to re-serve the Memorandum Opinion and then give him  
26 35 days from the date of that re-service in which to file objections to  
its findings. Doc. 616 at p.6.

1 to Serve Report and Recommendation by Mail and Denying Motion to Extend  
2 Time, Doc. 598, "[b]ecause plaintiff is authorized in this case to file  
3 and receive service of documents electronically, he received electronic  
4 service of the Report and Recommendation immediately." By seeking and  
5 being granted electronic filing privileges, he consented to receiving  
6 notice electronically. *Id.*; Order Granting Application for CM/ECF  
7 Registration, Case No. 16-33185-pcm7 Doc. 629. In addition, plaintiff  
8 filed a notice that he "waives all requirement of physical papers being  
9 served on him and will accept service via either the Court's ECF system  
10 or by e-mail" to his personal email address. Case No. 16-33185-pcm7 Doc.  
11 631. As the court's docket reflects, he received email notice of entry  
12 of the Memorandum Opinion, as provided in the rules and in accordance  
13 with his consent to receive notice electronically. See Doc. 615  
14 (Certificate of Notice showing email notice to plaintiff; list of parties  
15 served via email shown in receipt visible by clicking on silver ball  
16 beside document number on the docket). Therefore, debtor's assertion  
17 that he is required to access PACER to find documents filed in this  
18 adversary proceeding is flatly false.

19 In addition, the court notes that one of the bases for plaintiff's  
20 request for an extension is the amount of time it took the court to issue  
21 its decision on defendants' request for attorney fees. As the court  
22 noted in its Order Granting Motion to Extend Time to File Objections to  
23 Findings of Fact, Doc. 579, and as plaintiff knows, "[t]he court does not  
24 consider the length of time it takes the court to prepare a decision . .  
25 . to be cause for an extension." His continued reliance on this argument  
26

1 is contrary to the court's earlier order on this point.

2       This motion is frivolous. If plaintiff files another frivolous  
3 motion, response, or other document in this adversary proceeding, the  
4 court will summarily deny the relief sought and will impose a sanction.  
5 The sanction could include a monetary sanction, entry of a pre-filing  
6 order, or loss of plaintiff's electronic filing privileges. See Order  
7 Granting Application for CM/ECF Registration, Main Case 16-33185-pcm7  
8 Doc. 629 ("Debtor's use of the ECF system to file and receive notices is  
9 a privilege that may be revoked at any time if the court finds that  
10 Debtor is not complying with applicable rules or the terms of this order,  
11 or if Debtor is abusing his electronic filing privileges by submitting  
12 frivolous or erroneous filings." (Emphasis supplied.) Plaintiff's  
13 continued filing of frivolous documents has put an undue burden on the  
14 court and parties and must cease.

15       Therefore,

16       IT IS HEREBY ORDERED that plaintiff's Motion to Extend Time to File  
17 Objections to Findings of Fact, Doc. 616, is DENIED.

18       IT IS FURTHER ORDERED that, if plaintiff files another frivolous  
19 motion or document relating to this adversary proceeding, the relief  
20 sought will be denied summarily, and the court will impose a sanction,  
21 which could include a monetary sanction, entry of a pre-filing order, or  
22 revocation of plaintiff's electronic filing privileges.

23                                  ###

24 cc: Peter Szanto  
25                                   Nicholas Henderson